

Message Text

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TO SECSTATE WASHDC PRIORITY 4604

C O N F I D E N T I A L SEOUL 5110

EO 11652: GDS

TAGS: SHUM, PINT, KS

SUBJECT: UNIVERSITY SPY RING: YI CHOL

REFS: A) STATE 8802; B) SEOUL 3564; C) SEOUL 3364

1. EMBOFF DISCUSSED CASE WITH YI'S LAWYER PAK SE-KYUNG. YI CASE NOT RELATED TO OTHER UNIVERSITY SPY RING CASES AND INVOLVES ONLY YI, HIS WIFE WHO RECEIVED THREE AND ONE HALF YEAR SENTENCE, AND A KOREAN REPORTER WHO RECEIVED SUSPENDED SENTENCE.

2. PAK DID NOT REPRESENT YI AT DISTRICT COURT HEARING WHERE YI CHOL ADMITTED THAT HE WAS A SPY, THAT HE HAD BEEN IN CONTACT WITH NORTH KOREAN AGENTS IN JAPAN AND THAT HE HAD MADE TWO TRIPS TO NORTH KOREA. YI RECEIVED DEATH SENTENCE FROM DISTRICT COURT.

3. PAK STEPPED IN WHEN CASE WENT TO APPEALS COURT. AT THIS POINT YI CHOL RECANTED CONFESSION THAT HE HAD BEEN TO NORTH KOREA. PAK SAID YI EXPLAINED TO HIM THAT YI HAD BEEN PROMISED LENIENT SENTENCE BY PROSECUTION IF HE ADMITTED TO HAVING VISITED THE NORTH. PAK SAID HE BELIEVED YI'S STORY BECAUSE DESCRIPTION OF HIS VISITS TO NORTH KOREA DID NOT FIT NORMAL MODUS OPERANDI OF OTHER SPIES WHEN VISITING NORTH. PAK ALSO SUBMITTED DOCUMENTS PREPARED BY JAPANESE
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LAWYERS ATTEMPTING TO PROVE THAT YI WAS OTHERWISE OCCUPIED AT TIMES OF ALLEGED TRIPS. APPEALS COURT UPHELD DEATH SENTENCE.

4. AT SUPREME COURT, PAK ARGUED THAT KOREAN LAW FORBADE GUILTY VERDICT WHEN BASED ONLY ON CONFESSION OF ACCUSED. COURT UPHELD SENTENCE RULING THAT CONFESSION SUPPLEMENTED

BY CIRCUMSTANTIAL EVIDENCE SUFFICIENT FOR CONVICTION.

5. PAK HAS REQUESTED COURT TO REOPEN CASE. HE DOUBTS THAT CASE WILL BE REOPENED SINCE HE HAD NO NEW EVIDENCE TO SUBMIT WHICH IS BASIS FOR ANY DECISION TO REOPEN. HOWEVER, MOWYR TO REOPEN PREVENTS EXECUTION OF DEATH SENTENCE, AND PAK FEELS HE HAS AGREEMENT OF COURT NOT TO TAKE ACTION ON HIS MOTION IN NEAR FUTURE. IN THE MEANTIME, PAK HOPES THAT YI CHOL WILL RECEIVE COMMUTATION OF DEATH SENTENCE BECAUSE ROKG, WHILE IT ACCUSES YI OF BEING PLACED IN ROK AS SPY, DOES NOT BELIEVE HE SUCCEEDED IN ENGAGING IN SIGNIFICANT ESPIONAGE ACTIVITIES AS OF DATE OF HIS APPREHENSION.

6. IN RESPONSE TO EMBOFF'S QUESTIONS, PAK SAID YI DID NOT DENY HE HAD BEEN IN CONTACT WITH NORTH KOREAN AGENTS IN JAPAN. PAK SAID YI'S SIFE WAS NOT CONSIDERED BY ROKG TO BE SPY IN CATEGORY WITH HUSBAND (THEY MET AND MARRIED IN ROK) BUT THAT AT LEAST ONE ITEM OF NORTH KOREAN PROPAGANDA WAS FOUND IN HER POSSESSION.
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